



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Cheryl Spencer

FEB 27 2009

Columbia, MD 21045

Dear Ms. Spencer:

The Federal Election Commission ("Commission"), the regulatory agency that administers and enforces the Federal Election Campaign Act of 1971, as amended ("the Act"), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that Alan B. Fabian used funds from Strategic Partners International ("SPI") to make a contribution in your name to American Patriot PAC ("PAC"). Specifically, the PAC disclosed that you made a \$5,000 contribution on June 7, 2004. The Act prohibits an individual from knowingly permitting his or her name to be used to affect the contribution of another person to a federal political committee. For example, it is illegal for a person to accept money from another person for making a contribution to a federal political committee. See Title 2 of the United States Code ("2 U.S.C.") section 441f and Title 11 of the Code of Federal Regulations section 110.4(b).

The Commission's Office of the General Counsel is reviewing this information in connection with making a recommendation to the Commission as to whether there is reason to believe that you violated the Act, an initial determination necessary to initiate an investigation into whether a violation has, in fact, occurred. See 2 U.S.C. § 437g(a)(2). Before the General Counsel makes such a recommendation, you may provide in writing any factual or legal materials that you believe are relevant to this matter, including information regarding your relationship with Mr. Fabian and the circumstances of the contribution made in your name. Your submission, if you choose to make one, must be submitted within 15 days of receipt of this letter and addressed to the General Counsel's Office. After 15 days, the General Counsel's Office will present its recommendations to the Commission. Any response submitted by you will be taken into account in these recommendations. The Commission will then consider the recommendations and, if the Commission finds that there is reason to believe you violated the Act, initiate an enforcement matter regarding the contributions in the name of another.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by legal counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Kasey Morgenheim, the attorney handling this matter, at (202) 694-1650 or toll free at 1-800-424-9530. Information is also available on the Commission's web site at [www.fec.gov](http://www.fec.gov).

Sincerely,

Thomasenia P. Duncan  
General Counsel

BY:   
Ann Marie Terzaken  
Associate General Counsel for  
Enforcement

Enclosure

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